

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,

Plaintiff,

v.

M. JOHNSON, et al.,

Defendants.

CASE NO. 1:05-cv-00086-OWW-GSA PC

ORDER DENYING MOTION FOR  
PROTECTIVE ORDER AS MOOT

(Doc. 78)

ORDER DENYING MOTION TO COMPEL,  
WITHOUT PREJUDICE, AS PROCEDURALLY  
DEFICIENT, AND DENYING MOTION FOR  
TELEPHONIC HEARING

(Doc. 118)

**I. Defendants' Motion for a Protective Order**

On September 24, 2007, Defendants filed a motion for a protective order shielding them from responding to Plaintiff's discovery requests. At the time Defendants filed their motion, any discovery propounded by Plaintiff was premature. However, Defendants thereafter filed an answer and the Court issued a discovery and scheduling order, which opened the discovery phase of this litigation. The parties have been engaging in discovery since that time. Defendants' motion for a protective order has been rendered moot by subsequent proceedings and shall be denied on that ground.

**II. Plaintiff's Motion to Compel and for a Telephonic Hearing**

On March 26, 2008, Plaintiff filed a motion to compel and for a telephonic hearing. At a minimum, a motion to compel must be accompanied by a copy of the discovery requests at issue and

1 the opposing party's responses to those requests. Further, the moving party must, for each discovery  
2 request sought to be compelled, make a showing as to why the information sought is relevant and  
3 why the opposing party's objection is not justified. Plaintiff's motion is not supported by a copy of  
4 the discovery requests in dispute or a copy of Defendants' responses. Further, Plaintiff's motion  
5 does not contain a showing as to the relevancy or address why Defendants' objections are not  
6 justified. Because Plaintiff's motion is deficient, it shall be denied, without prejudice to renewal.

7 If deemed necessary, the Court will schedule a telephonic hearing. Otherwise, all matters are  
8 submitted without a hearing. Local Rule 78-230(m). There are no matters currently pending before  
9 the Court which necessitate a hearing. Accordingly, Plaintiff's motion for a telephonic hearing shall  
10 be denied.

11 **III. Order**

12 For the reasons set forth herein, it is HEREBY ORDERED that:

- 13 1. Defendants' motion for a protective order, filed September 24, 2007, is DENIED as  
14 moot;
- 15 2. Plaintiff's motion to compel, filed March 26, 2008, is DENIED without prejudice  
16 as procedurally deficient; and
- 17 3. Plaintiff's motion for a telephonic hearing, filed March 26, 2008, is DENIED.

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20 IT IS SO ORDERED.

21 **Dated: April 14, 2008**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE